



5/18/05

Commissioner Robert E. Nicolay
Chairman, Certificate of Need Task Force
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore MD 21215

Dear Commissioner:

I was the manager of an RSA for five years and am now the administrator for a medicare certified home health agency so I have looked closely at the CON from both sides. As the RSA, I was fighting diligently to eradicate the need for the CON since, it seemed apparent to me, there was business for both. Then the hammer came down on me and I was told that as an RSA, I had to immediately "cease and desist"(words of the DHMH rep) doing any physical or occupational therapy because we were not allowed to do more than nursing and aides. Then I attended my first in home services forum and found out that this was untrue and that many, many RSA's were doing all disciplines. While this may seem unrelated to the specific issue of CON, it is not. I believe in free enterprise and that competition makes products better. However, the home health field, particularly in Maryland, is not your typical free enterprise. The need for home care nurses and therapists is critical. There is not an abundance of them. The importance of quality and integrity in this field is beyond that of the normal business. There is a very finite number of providers regardless of how many companies there are employing them. Therefore, I do not believe that there exists the need for more competition

that might make other "products" better or more affordable. This product is only going to be as good as the providers and the compliance and integrity of the companies they work for. The affordability is more in control of government and legislators than the individual company. We don't need more CON's, we need more therapists!

This is not Vermont which is monopolized by one agency. There are, I believe, fifty plus companies with CON's in this state. That provides more than enough choice for providers and patients. It seems ludicrous to increase the number of choices for a patient if you can't promise those patients that the agencies will all be subject to the same controls and measures so that they can be guaranteed the same quality of care regardless of the provider. Now that I have seen the degree of controls in an HHA as opposed to the RSA, I truly do not believe that can be accomplished. If anything, the ability to survey what we have now is becoming too burdensome, how can you add more by eliminating the CON's and opening this up to all of the RSA's?

If you do in fact open the program up, I believe that all of the agencies would have to at least be JCAHO or CHAP accredited to protect those people we are in business to service. In the meantime, all of the RSA's should be put on a level playing field and all of the surveyors should be aware of what the actual guidelines are so that all of them are operating under the same restrictions.

Sincerely,


Patti Maguire
Branch Administrator